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d/b/a VNUS Medical Technologies

(additional counsel on signature page)

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TYCO HEALTHCARE GROUP LP d/b/a
VNUS MEDICAL TECHNOLOGIES,

Plaintiff,

v.

BIOLITEC, INC., and NEW STAR LASERS,
INC. d/b/a COOLTOUCH, INC.,

Defendants.

LEAD CASE NO. C08-03129 MMC

CASE NO. C08-03129 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER FOR DISMISSAL OF
DEFENDANT NEW STAR LASERS,
INC. d/b/a COOLTOUCH, INC.**

TYCO HEALTHCARE GROUP LP d/b/a
VNUS MEDICAL TECHNOLOGIES,

Plaintiff,

v.

TOTAL VEIN SOLUTIONS, LLC d/b/a
TOTAL VEIN SYSTEMS,

Defendant.

CASE NO. C08-04234 MMC

(consolidated with Case No. C08-03129
MMC)

1 WHEREAS, Plaintiff Tyco Healthcare Group LP d/b/a VNUS Medical Technologies
2 (“VNUS”) and Defendant New Star Lasers, Inc. d/b/a CoolTouch, Inc. (“CoolTouch”) have entered
3 into a Settlement Agreement resolving all claims asserted by VNUS against CoolTouch and all
4 counterclaims asserted by CoolTouch against VNUS in the above-captioned action;

5 NOW THEREFORE, VNUS and CoolTouch hereby stipulate, by and through their
6 respective counsel, as follows:

7
8 1. CoolTouch is dismissed with prejudice from this action pursuant to Federal Rule of
9 Civil Procedure 41(a)(2);

10
11 2. The counterclaims asserted by CoolTouch against VNUS are dismissed with
12 prejudice pursuant to Federal Rule of Civil Procedure 41(c);

13
14 3. Each party will bear its own costs and attorneys’ fees;

15
16 4. The caption shall be amended in all subsequent pleadings to reflect this dismissal.

17
18 Dated: October 18, 2010

ATTORNEYS FOR PLAINTIFF TYCO
HEALTHCARE GROUP LP d/b/a
VNUS MEDICAL TECHNOLOGIES

20 /s/ Matthew B. Lehr

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1 Dated: October 18, 2010

ATTORNEYS FOR DEFENDANT
NEW STAR LASERS, INC. d/b/a
COOLTOUCH, INC.

3 /s/ James W. Geriak

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9 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

11 Dated: October 19, 2010

12 
13 THE HON. MAXINE M. CHESNEY
14 United States District Judge